

## Message Text

PAGE 01 STATE 293600 TOSEC 120059  
ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

DRAFTED BY EA/K:RGRICH,JR.:JCM  
APPROVED BY EA:RHOLBROOKE  
EA - MR. GLEYSTEN  
L/EA - MRS. VERVILLE  
NSC - MR. ARMACOST  
P - MR. FORBES  
JUSTICE - MR. MICHEL  
JUSTICE - MR. CIVILETTI  
S/S-O RPERITO

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FM SECSTATE WASHDC  
TO AMEMBASSY SEOUL FLASH  
INFO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 293600 TOSEC 120059

EXDIS DISTRIBUTE AS NODIS

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: U.S. - KOREAN COOPERATION ON TONGSUN PARK  
AFFAIR: PUBLIC JOINT STATEMENT

REF: SEOUL 10310

THIS IS SECOND IN SERIES OF THREE LINKED CABLES. FIRST  
MESSAGE PROVIDED OVERALL SCENARIO. IN THIS MESSAGE WE  
HAVE CAREFULLY REVISED THE PROPOSED LANGUAGE FOR  
THE JOINT STATEMENT PROVIDED IN REFTEL AND HAVE SUPPLIED  
YOU WITH EXPLANATORY COMMENT FOR OUR CHANGES ON A  
SECRET

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PARAGRAPH BY PARAGRAPH BASIS AS APPROPRIATE.

TITLE: JOINT STATEMENT REGARDING COOPERATION  
BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF KOREA AND THE  
UNITED STATES CONCERNING THE CASE OF MR. TONGSUN PARK.

COMMENT: WE DO NOT WISH THE JOINT STATEMENT ITSELF TO  
BE AN "AGREEMENT" BECAUSE OF THE POSSIBLE CONFUSION  
BETWEEN SUCH AN "AGREEMENT" AND THE FORTHCOMING  
"MUTUAL PROSECUTION AGREEMENT." FOLLOWING THE TITLE,

WE ALSO PROPOSE THE FOLLOWING PREAMBLE:

1. THE FOREIGN MINISTER OF THE REPUBLIC OF KOREA AND

THE AMBASSADOR OF THE UNITED STATES TO THE REPUBLIC OF KOREA TODAY JOINTLY ANNOUNCE THE FOLLOWING UNDERSTANDINGS BETWEEN THE TWO GOVERNMENTS GUIDING THEIR MUTUAL COOPERATION CONCERNING MR. TONGSUN PARK.

2. DEPARTMENT OF JUSTICE MEETING WITH MR. TONGSUN PARK.

A. MR. TONGSUN PARK WILL MEET BRIEFLY WITH UNITED STATES OFFICIALS IN THE UNITED STATES EMBASSY IN SEOUL IN THE PRESENCE OF TWO KOREAN OFFICIALS AND MR. PARK'S COUNSEL.

B. THE PURPOSE OF THIS INTERVIEW WILL BE FOR SIGNING BY PARK AND DOJ OF A MEMORANDUM OF UNDERSTANDING CONCERNING THE OFFER OF IMMUNITY AND ARRANGEMENTS FOR SEEKING THE DISMISSAL OF THE INDICTMENT NOW PENDING AGAINST HIM IN VIEW OF HIS TRUTHFUL TESTIMONY.

COMMENT: THE REFERENCE TO SIGNING A MEMORANDUM OF SECRET

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UNDERSTANDING IS A BETTER DESCRIPTION OF THE PURPOSE OF

THIS PRELIMINARY MEETING AS IT HAS NOW EVOLVED, AND IS DIRECTLY RESPONSIVE TO HUNDLEY'S REQUEST FOR A WRITTEN COMMITMENT BY JUSTICE EMBODYING IMMUNITY ASSURANCES AND ARRANGEMENTS FOR DISMISSAL OF THE INDICTMENT.

WE WISH TO DELETE THE ADDITIONAL PARAGRAPH PROPOSED UNDER THIS SECTION (YOUR 1.C.), SINCE IT APPEARS GRATUITOUS AND INSULTING IN A HIGH-LEVEL PUBLIC STATEMENT. IT WOULD APPEAR THAT WE ARE NOW FAR BEYOND THE QUIBBLING WHICH SUCH LANGUAGE WOULD REPRESENT AND WHICH DATES BACK TO OCTOBER. THE EARLIER STATEMENT REGARDING THE DURATION AND PURPOSE OF THE INTERVIEW, COUPLED WITH THE FOLLOW-ON DISCUSSION OF THE FURTHER STEPS, SHOULD MEET ANY CONCERNS OF THIS NATURE. WE HAVE NO PROBLEM WITH PRIVATE ASSURANCES THAT WE WILL NOT ALLOW PARK TO REMAIN IN THE EMBASSY ON ANY PRETEXT.

3. QUESTIONING OF MR. TONGSUN PARK IN KOREA.

A. MR. PARK WILL BE QUESTIONED IN SEOUL BY KOREAN AND AMERICAN PROSECUTORS AT A LOCATION TO BE MUTUALLY AGREED UPON AND ARRANGED BY THE KOREAN SIDE.

COMMENT: WE WILL HAVE NO DIFFICULTY WITH SELECTION OF ANY APPROPRIATE LOCATION BY THE KOREAN SIDE, BUT

BELIEVE WE MUST PROTECT OURSELVES. IN ANY EVENT, ABOVE IS MORE FELICITOUS WORDING FOR THE JOINT STATEMENT.

B. THERE WILL BE NO LIMITATION ON THE NUMBER OF QUESTIONING SESSIONS, BUT SUCH QUESTIONING SHALL BE CONDUCTED DURING NORMAL OFFICE WORKING HOURS. SESSIONS WILL BE PRIVATE AND SHALL NOT BE OPEN TO THE PUBLIC. THE QUESTIONING WILL CONCERN THE RELATIONSHIP BETWEEN MR. TONGSUN PARK AND UNITED STATES OFFICIALS AND PERSONS, AND MR. PARK'S ACTIONS WITH RESPECT TO THEM.

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COMMENT: WE MUST REMOVE SUCH WORDS AS "ONLY" FROM THE JOINT STATEMENT. IT WILL NOT PROMOTE OUR EFFORTS TO WIN THE COOPERATION OF KEY CONGRESSIONAL COMMITTEES IF WE USE SUCH LANGUAGE. THIS SHOULD BE CLEAR TO ROKG FROM YOUR PRIVATE DISCUSSIONS. ALSO, SOME LINKAGES TO INDIVIDUALS SUCH AS KIM HYONG-UK ARE INEVITABLE AS PREVIOUSLY EXPLAINED TO YOU.

C. BOTH THE KOREAN AND U.S. PROSECUTORS WILL ENGAGE IN FULL, UNLIMITED, AND DIRECT QUESTIONING OF MR. TONGSUN PARK.

COMMENT: DETAILS OF CONDUCT OF PROCEEDING RELATING TO CROSS EXAMINATION AND COUNSEL IN THAT CONTEXT SHOULD BE LEFT TO JUSTICE MINISTRIES AGREEMENT. JUSTICE FEELS STRONGLY THAT THEIR QUESTIONING OF PARK AND HIS ANSWERS MUST BE IN ENGLISH.

D. OATHS WILL BE ADMINISTERED IN ACCORDANCE WITH BOTH KOREAN AND AMERICAN LAW; POLYGRAPH EXAMINATION WILL BE PERMITTED; ENGLISH WILL BE USED IN QUESTIONS AND ANSWERS ALONG WITH KOREAN WITH THE HELP OF INTERPRETERS; AND VERBATIM RECORD WILL BE MADE OF THE INTERROGATION.

COMMENT: FOR USE OF THE INTERROGATION TESTIMONY BEFORE U.S. GRAND JURY, IT IS IMPORTANT THAT WE PROVIDE FOR U.S. AS WELL AS KOREAN OATH PROCEDURE. THESE PROVISIONS REGARDING OATHS ARE RATHER DIFFERENT UNDER OUR RESPECTIVE LAWS.

E. A MUTUAL PROSECUTION ASSISTANCE AGREEMENT

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CONCERNING MR. TONGSUN PARK WILL BE SIGNED IN SEOUL BETWEEN REPRESENTATIVES OF THE REPUBLIC OF KOREA MINISTRY OF JUSTICE AND THE UNITED STATES JUSTICE DEPARTMENT PRIOR TO THE BEGINNING OF THE QUESTIONING OF MR. TONGSUN PARK. PROVISIONS OF THE AGREEMENT WILL

BE CONSISTENT WITH THE UNDERSTANDINGS IN THIS  
JOINT STATEMENT.

COMMENT: IT IS OUR VIEW THAT THE MUTUAL PROSECUTION  
AGREEMENT WOULD BE SIGNED BEFORE THE INTERROGATION OF  
TONGSUN PARK PROVIDED FOR IN PARAGRAPH TWO ABOVE.

4. ARRANGEMENTS FOR MR. TONGSUN PARK'S TRIAL TESTIMONY  
BEFORE U.S. COURTS.

A. THE PURPOSE OF MR. TONGSUN PARK'S TRAVEL TO THE  
UNITED STATES UNDER THIS AGREEMENT IS TO TESTIFY AS A  
WITNESS IN COURT PROCEEDINGS AGAINST U.S. OFFICIALS OR  
PERSONS.

B. THE UNITED STATES DEPARTMENT OF JUSTICE WILL SEEK  
DISMISSAL BY THE COURT OF THE PENDING INDICTMENT AGAINST  
MR. TONGSUN PARK PROMPTLY UPON COMPLETION OF HIS  
TRUTHFUL TESTIMONY AT THE LAST U.S. COURT PROCEEDING  
AND WILL PROVIDE HIM WITH FULL IMMUNITY FROM ANY PAST  
CRIMINAL CONDUCT.

C. THE INTENTION OF THE UNITED STATES DEPARTMENT  
OF JUSTICE IS TO QUESTION MR. TONGSUN PARK BEFORE THE  
COURT ON THE SUBJECT OF HIS RELATIONSHIP WITH U.S.  
OFFICIALS AND PERSONS.

D. MR. TONGSUN PARK BY REASON OF THIS AGREEMENT  
ASSUMES NO OBLIGATION TO APPEAR BEFORE CONGRESSIONAL  
COMMITTEES IN THE U.S. OR TO UNDERGO QUESTIONING BY ANY  
U.S. GOVERNMENT AGENCY OTHER THAN THE DEPARTMENT OF  
SECRET

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JUSTICE.

COMMENT: OBVIOUSLY WE CANNOT STATE THAT PARK IS  
"IMMUNE" FROM OBLIGATION TO APPEAR BEFORE CONGRESSIONAL  
COMMITTEES. YOU MAY AGAIN CONVEY OUR COMMITMENT TO  
APPROACH EACH OF RELEVANT CONGRESSIONAL COMMITTEES AND  
SEEK THEIR COOPERATION WITH SPIRIT OF USG-ROK ARRANGE-  
MENTS TO GET TRIAL TESTIMONY OF TONGSUN PARK, BUT YOU  
SHOULD MAKE IT CLEAR THAT ANY EFFORT TO WRITE A FIRM  
OBLIGATION ON BEHALF OF THE CONGRESS INTO THE JOINT  
STATEMENT OR THE AGREEMENT IS COMPLETELY UNWORKABLE  
AND WOULD DIRECTLY RUN COUNTER TO OUR PROMISED EFFORTS  
TO GAIN THEIR COOPERATION.

E. THE UNITED STATES GOVERNMENT GIVES FULL ASSURANCES  
THAT IT WILL TAKE ALL NECESSARY MEASURES TO PROTECT THE  
PERSONAL SAFETY OF MR. TONGSUN PARK WHEN IN THE  
UNITED STATES SHOULD CAUSE FOR SUCH MEASURES ARISE.

F. UNDER THE AGREEMENT OF COOPERATION BETWEEN THE TWO GOVERNMENTS, MR. TONGSUN PARK WOULD BE ADMITTED TO THE UNITED STATES ONLY FOR LIMITED PERIODS RELATED SPECIFICALLY TO HIS ANTICIPATED COURT APPEARANCES AND WOULD BE EXPECTED TO RETURN PROMPTLY TO KOREA FOLLOWING EACH SUCH TRIAL.

COMMENT: WE HAVE CAREFULLY EXPLORED HOW TO GIVE THE ASSURANCES WHICH THE ROKG IS SEEKING WITH REGARD TO TONGSUN PARK'S EXIT FROM THE UNITED STATES. WHILE THE ABOVE IS THE BEST WE CAN DO IN THE JOINT STATEMENT, THERE ARE SOME ADDITIONAL PROCEDURES WHICH ROK CAN TAKE WHICH WILL ASSIST IN DESIRED GOAL. BELIEVE ROKG SHOULD WITHDRAW TONGSUN PARK'S PRESENT PASSPORT, AND  
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PASSPORT SHOULD ALSO BE PHYSICALLY PRESENTED TO AMEMBASSY FOR CANCELLATION OF PARK'S CURRENT MULTIPLE ENTRY VISA. SUGGEST ROKG THEN ISSUE TONGSUN PARK NEW SHORT-TERM PASSPORT FOR EACH SCHEDULED TRIP TO THE U.S. FOR TESTIMONY. PASSPORT SHOULD HAVE VALIDITY LIMITED TO TRAVEL DESIGNATED AND FOR TIME PERIOD AGREED UPON WITH JUSTICE AT THE TIME. FOR OUR PART WE DO NOT PROPOSE TO GIVE PARK ANY VISA AT ALL, BUT FOR JUSTICE TO PAROLE HIM INTO UNITED STATES FOR SPECIFIC PURPOSE AND PERIOD OF TRIAL TESTIMONY. REASON FOR USE OF PAROLE PROCEDURE RATHER THAN VISA IS THAT IT DOES NOT GIVE PARK LEGAL STATUS WHILE IN U.S. IF PRESSED BY ROKG YOU MAY INDICATE THAT WE CANNOT, OF COURSE, PRECLUDE POSSIBILITY THAT PARK COULD ATTEMPT TO SEEK LEGAL STATUS AS A REFUGEE ONCE HE IS IN U.S., BUT TOGETHER WITH PREVIOUS REASONING WE HAVE PROVIDED TO YOU, BELIEVE ABOVE ARRANGEMENTS PROVIDE ABSOLUTELY BEST ASSURANCES WE CAN PROVIDE OF TONGSUN PARK'S PROMPT DEPARTURE FROM THE USA AFTER TRIAL APPEARANCES.

5. MR. TONGSUN PARK'S TRAVEL TO AND FROM THE UNITED STATES.

A. THE REPUBLIC OF KOREA GOVERNMENT IS PREPARED ACTIVELY TO ADVISE MR. TONGSUN PARK TO TRAVEL TO THE UNITED STATES AS A WITNESS SOLELY FOR THE PRUPOSE OF TRIAL TESTIMONY, IF AND WHEN NECESSARY.

B. THE REPUBLIC OF KOREA GOVERNMENT WILL PROVIDE MR. TONGSUN PARK WITH SUCH NECESSARY ASSISTANCE AS ISSUING A PASSPORT AND EXIT PERMIT IN ORDER FOR HIM TO TRAVEL ONLY TO AND FROM THE UNITED STATES SOLELY FOR THE PURPOSE OF HIS TRIAL TESTIMONY BEFORE THE UNITED STATES COURT AND WILL TAKE NO OTHER STEPS WHICH WOULD INTERFERE WITH MR. PARK'S FREEDOM TO TRAVEL TO THE UNITED STATES.

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COMMENT: ROKG SHOULD BE REMINDED THAT WE EXPECT TONGSUN PARK WOULD NOT BE PERMITTED TO TRAVEL TO THIRD COUNTRIES DURING PERIOD ENDING WITH HIS TESTIMONY IN LAST TRIAL. (END OF JOINT STATEMENT AND COMMENTARY).

6. IF AGREEMENT CAN BE REACHED ON TEXT AND OTHER STEPS OUTLINED IN 1ST MSG DECEMBER 9, WE ARE AGREEABLE TO ISSUANCE OF JOINT STATEMENT ON SATURDAY DECEMBER 10, KOREA TIME. BECAUSE OF PRESS INTEREST HERE, COORDINATION OF TIMING IS REQUIRED. DUE TO MAJOR TIME ZONE DIFFERENCES, RECOGNIZE THIS IS DIFFICULT TO ACHIEVE. WE WOULD PROPOSE AGREEMENT ON A RELEASE AS EARLY SATURDAY MORNING KOREA TIME AS NEGOTIABLE AT YOUR END, WITH SIMULTANEOUS RELEASE FRIDAY EVENING HERE. CHRISTOPHER

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REPEATED TO YOU QUOTE

S E C R E T STATE 293600 TOSEC 120059

EXDIS DISTRIBUTE AS NODIS

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: U.S. - KOREAN COOPERATION ON TONGSUN PARK  
AFFAIR: PUBLIC JOINT STATEMENT

REF: SEOUL 10310

THIS IS SECOND IN SERIES OF THREE LINKED CABLES. FIRST MESSAGE PROVIDED OVERALL SCENARIO. IN THIS MESSAGE WE HAVE CAREFULLY REVISED THE PROPOSED LANGUAGE FOR THE JOINT STATEMENT PROVIDED IN REFTEL AND HAVE SUPPLIED SECRET

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YOU WITH EXPLANATORY COMMENT FOR OUR CHANGES ON A PARAGRAPH BY PARAGRAPH BASIS AS APPROPRIATE.

TITLE: JOINT STATEMENT REGARDING COOPERATION BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF KOREA AND THE UNITED STATES CONCERNING THE CASE OF MR. TONGSUN PARK.

COMMENT: WE DO NOT WISH THE JOINT STATEMENT ITSELF TO BE AN "AGREEMENT" BECAUSE OF THE POSSIBLE CONFUSION BETWEEN SUCH AN "AGREEMENT" AND THE FORTHCOMING "MUTUAL PROSECUTION AGREEMENT." FOLLOWING THE TITLE, WE ALSO PROPOSE THE FOLLOWING PREAMBLE:

1. THE FOREIGN MINISTER OF THE REPUBLIC OF KOREA AND

THE AMBASSADOR OF THE UNITED STATES TO THE REPUBLIC OF KOREA TODAY JOINTLY ANNOUNCE THE FOLLOWING UNDERSTANDINGS BETWEEN THE TWO GOVERNMENTS GUIDING THEIR MUTUAL COOPERATION CONCERNING MR. TONGSUN PARK.

2. DEPARTMENT OF JUSTICE MEETING WITH MR. TONGSUN PARK.

A. MR. TONGSUN PARK WILL MEET BRIEFLY WITH UNITED STATES OFFICIALS IN THE UNITED STATES EMBASSY IN SEOUL IN THE PRESENCE OF TWO KOREAN OFFICIALS AND MR. PARK'S COUNSEL.

B. THE PURPOSE OF THIS INTERVIEW WILL BE FOR SIGNING BY PARK AND DOJ OF A MEMORANDUM OF UNDERSTANDING CONCERNING THE OFFER OF IMMUNITY AND ARRANGEMENTS FOR SEEKING THE DISMISSAL OF THE INDICTMENT NOW PENDING AGAINST HIM IN VIEW OF HIS TRUTHFUL TESTIMONY.

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COMMENT: THE REFERENCE TO SIGNING A MEMORANDUM OF UNDERSTANDING IS A BETTER DESCRIPTION OF THE PURPOSE OF

THIS PRELIMINARY MEETING AS IT HAS NOW EVOLVED, AND IS DIRECTLY RESPONSIVE TO HUNDLEY'S REQUEST FOR A WRITTEN COMMITMENT BY JUSTICE EMBODYING IMMUNITY ASSURANCES

AND ARRANGEMENTS FOR DISMISSAL OF THE INDICTMENT.

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3. QUESTIONING OF MR. TONGSUN PARK IN KOREA.

A. MR. PARK WILL BE QUESTIONED IN SEOUL BY KOREAN AND AMERICAN PROSECUTORS AT A LOCATION TO BE MUTUALLY AGREED UPON AND ARRANGED BY THE KOREAN SIDE.

COMMENT: WE WILL HAVE NO DIFFICULTY WITH SELECTION OF ANY APPROPRIATE LOCATION BY THE KOREAN SIDE, BUT BELIEVE WE MUST PROTECT OURSELVES. IN ANY EVENT, ABOVE IS MORE FELICITOUS WORDING FOR THE JOINT STATEMENT.

B. THERE WILL BE NO LIMITATION ON THE NUMBER OF QUESTIONING SESSIONS, BUT SUCH QUESTIONING SHALL BE CONDUCTED DURING NORMAL OFFICE WORKING HOURS. SESSIONS WILL BE PRIVATE AND SHALL NOT BE OPEN TO THE PUBLIC. THE QUESTIONING WILL CONCERN THE RELATIONSHIP BETWEEN MR. TONGSUN PARK AND UNITED STATES OFFICIALS AND  
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PERSONS, AND MR. PARK'S ACTIONS WITH RESPECT TO THEM.

COMMENT: WE MUST REMOVE SUCH WORDS AS "ONLY" FROM THE JOINT STATEMENT. IT WILL NOT PROMOTE OUR EFFORTS TO WIN THE COOPERATION OF KEY CONGRESSIONAL COMMITTEES IF WE USE SUCH LANGUAGE. THIS SHOULD BE CLEAR TO ROKG FROM YOUR PRIVATE DISCUSSIONS. ALSO, SOME LINKAGES TO INDIVIDUALS SUCH AS KIM HYONG-UK ARE INEVITABLE AS PREVIOUSLY EXPLAINED TO YOU.

C. BOTH THE KOREAN AND U.S. PROSECUTORS WILL ENGAGE IN FULL, UNLIMITED, AND DIRECT QUESTIONING OF MR. TONGSUN PARK.

COMMENT: DETAILS OF CONDUCT OF PROCEEDING RELATING TO CROSS EXAMINATION AND COUNSEL IN THAT CONTEXT SHOULD BE LEFT TO JUSTICE MINISTRIES AGREEMENT. JUSTICE FEELS STRONGLY THAT THEIR QUESTIONING OF PARK AND HIS ANSWERS MUST BE IN ENGLISH.



D. OATHS WILL BE ADMINISTERED IN ACCORDANCE WITH BOTH KOREAN AND AMERICAN LAW; POLYGRAPH EXAMINATION WILL BE PERMITTED; ENGLISH WILL BE USED IN QUESTIONS AND ANSWERS ALONG WITH KOREAN WITH THE HELP OF INTERPRETERS; AND VERBATIM RECORD WILL BE MADE OF THE INTERROGATION.

COMMENT: FOR USE OF THE INTERROGATION TESTIMONY BEFORE U.S. GRAND JURY, IT IS IMPORTANT THAT WE PROVIDE FOR U.S. AS WELL AS KOREAN OATH PROCEDURE. THESE PROVISIONS REGARDING OATHS ARE RATHER DIFFERENT UNDER OUR RESPECTIVE LAWS.

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E. A MUTUAL PROSECUTION ASSISTANCE AGREEMENT CONCERNING MR. TONGSUN PARK WILL BE SIGNED IN SEOUL BETWEEN REPRESENTATIVES OF THE REPUBLIC OF KOREA MINISTRY OF JUSTICE AND THE UNITED STATES JUSTICE DEPARTMENT PRIOR TO THE BEGINNING OF THE QUESTIONING OF MR. TONGSUN PARK. PROVISIONS OF THE AGREEMENT WILL BE CONSISTENT WITH THE UNDERSTANDINGS IN THIS JOINT STATEMENT.

COMMENT: IT IS OUR VIEW THAT THE MUTUAL PROSECUTION AGREEMENT WOULD BE SIGNED BEFORE THE INTERROGATION OF TONGSUN PARK PROVIDED FOR IN PARAGRAPH TWO ABOVE.

4. ARRANGEMENTS FOR MR. TONGSUN PARK'S TRIAL TESTIMONY BEFORE U.S. COURTS.

A. THE PURPOSE OF MR. TONGSUN PARK'S TRAVEL TO THE UNITED STATES UNDER THIS AGREEMENT IS TO TESTIFY AS A WITNESS IN COURT PROCEEDINGS AGAINST U.S. OFFICIALS OR PERSONS.

B. THE UNITED STATES DEPARTMENT OF JUSTICE WILL SEEK DISMISSAL BY THE COURT OF THE PENDING INDICTMENT AGAINST MR. TONGSUN PARK PROMPTLY UPON COMPLETION OF HIS TRUTHFUL TESTIMONY AT THE LAST U.S. COURT PROCEEDING AND WILL PROVIDE HIM WITH FULL IMMUNITY FROM ANY PAST CRIMINAL CONDUCT.

C. THE INTENTION OF THE UNITED STATES DEPARTMENT OF JUSTICE IS TO QUESTION MR. TONGSUN PARK BEFORE THE COURT ON THE SUBJECT OF HIS RELATIONSHIP WITH U.S. OFFICIALS AND PERSONS.

D. MR. TONGSUN PARK BY REASON OF THIS AGREEMENT ASSUMES NO OBLIGATION TO APPEAR BEFORE CONGRESSIONAL COMMITTEES IN THE U.S. OR TO UNDERGO QUESTIONING BY ANY  
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U.S. GOVERNMENT AGENCY OTHER THAN THE DEPARTMENT OF JUSTICE.

COMMENT: OBVIOUSLY WE CANNOT STATE THAT PARK IS "IMMUNE" FROM OBLIGATION TO APPEAR BEFORE CONGRESSIONAL COMMITTEES. YOU MAY AGAIN CONVEY OUR COMMITMENT TO APPROACH EACH OF RELEVANT CONGRESSIONAL COMMITTEES AND SEEK THEIR COOPERATION WITH SPIRIT OF USG-ROKG ARRANGEMENTS TO GET TRIAL TESTIMONY OF TONGSUN PARK, BUT YOU SHOULD MAKE IT CLEAR THAT ANY EFFORT TO WRITE A FIRM OBLIGATION ON BEHALF OF THE CONGRESS INTO THE JOINT STATEMENT OR THE AGREEMENT IS COMPLETELY UNWORKABLE AND WOULD DIRECTLY RUN COUNTER TO OUR PROMISED EFFORTS TO GAIN THEIR COOPERATION.

E. THE UNITED STATES GOVERNMENT GIVES FULL ASSURANCES THAT IT WILL TAKE ALL NECESSARY MEASURES TO PROTECT THE PERSONAL SAFETY OF MR. TONGSUN PARK WHEN IN THE UNITED STATES SHOULD CAUSE FOR SUCH MEASURES ARISE.

F. UNDER THE AGREEMENT OF COOPERATION BETWEEN THE TWO GOVERNMENTS, MR. TONGSUN PARK WOULD BE ADMITTED TO THE UNITED STATES ONLY FOR LIMITED PERIODS RELATED SPECIFICALLY TO HIS ANTICIPATED COURT APPEARANCES AND WOULD BE EXPECTED TO RETURN PROMPTLY TO KOREA FOLLOWING EACH SUCH TRIAL.

COMMENT: WE HAVE CAREFULLY EXPLORED HOW TO GIVE THE ASSURANCES WHICH THE ROKG IS SEEKING WITH REGARD TO TONGSUN PARK'S EXIT FROM THE UNITED STATES. WHILE THE ABOVE IS THE BEST WE CAN DO IN THE JOINT STATEMENT, THERE ARE SOME ADDITIONAL PROCEDURES WHICH ROK CAN TAKE WHICH WILL ASSIST IN DESIRED GOAL. BELIEVE ROKG  
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SHOULD WITHDRAW TONGSUN PARK'S PRESENT PASSPORT, AND PASSPORT SHOULD ALSO BE PHYSICALLY PRESENTED TO AMEMBASSY FOR CANCELLATION OF PARK'S CURRENT MULTIPLE ENTRY VISA. SUGGEST ROKG THEN ISSUE TONGSUN PARK NEW SHORT-TERM PASSPORT FOR EACH SCHEDULED TRIP TO THE U.S. FOR TESTIMONY. PASSPORT SHOULD HAVE VALIDITY LIMITED TO TRAVEL DESIGNATED AND FOR TIME PERIOD AGREED UPON WITH JUSTICE AT THE TIME. FOR OUR PART WE DO NOT PROPOSE TO GIVE PARK ANY VISA AT ALL, BUT FOR JUSTICE TO PAROLE HIM INTO UNITED STATES FOR SPECIFIC PURPOSE AND PERIOD OF TRIAL TESTIMONY. REASON FOR USE OF PAROLE PROCEDURE RATHER THAN VISA IS THAT IT DOES NOT GIVE PARK LEGAL STATUS WHILE IN U.S. IF PRESSED BY ROKG YOU MAY INDICATE THAT WE CANNOT, OF COURSE, PRECLUDE

POSSIBILITY THAT PARK COULD ATTEMPT TO SEEK LEGAL STATUS AS A REFUGEE ONCE HE IS IN U.S., BUT TOGETHER WITH PREVIOUS REASONING WE HAVE PROVIDED TO YOU, BELIEVE ABOVE ARRANGEMENTS PROVIDE ABSOLUTELY BEST ASSURANCES WE CAN PROVIDE OF TONGSUN PARK'S PROMPT DEPARTURE FROM THE USA AFTER TRIAL APPEARANCES.

5. MR. TONGSUN PARK'S TRAVEL TO AND FROM THE UNITED STATES.

A. THE REPUBLIC OF KOREA GOVERNMENT IS PREPARED ACTIVELY TO ADVISE MR. TONGSUN PARK TO TRAVEL TO THE UNITED STATES AS A WITNESS SOLELY FOR THE PRUPOSE OF TRIAL TESTIMONY, IF AND WHEN NECESSARY.

B. THE REPUBLIC OF KOREA GOVERNMENT WILL PROVIDE MR. TONGSUN PARK WITH SUCH NECESSARY ASSISTANCE AS ISSUING A PASSPORT AND EXIT PERMIT IN ORDER FOR HIM TO TRAVEL ONLY TO AND FROM THE UNITED STATES SOLELY FOR THE PURPOSE OF HIS TRIAL TESTIMONY BEFORE THE UNITED STATES COURT AND WILL TAKE NO OTHER STEPS WHICH WOULD INTERFERE WITH MR. PARK'S FREEDOM TO TRAVEL TO THE  
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UNITED STATES.

COMMENT: ROKG SHOULD BE REMINDED THAT WE EXPECT TONGSUN PARK WOULD NOT BE PERMITTED TO TRAVEL TO THIRD COUNTRIES DURING PERIOD ENDING WITH HIS TESTIMONY IN LAST TRIAL.  
(END OF JOINT STATEMENT AND COMMENTARY).

6. IF AGREEMENT CAN BE REACHED ON TEXT AND OTHER STEPS OUTLINED IN 1ST MSG DECEMBER 9, WE ARE AGREEABLE TO ISSUANCE OF JOINT STATEMENT ON SATURDAY DECEMBER 10, KOREA TIME. BECAUSE OF PRESS INTEREST HERE, COORDINATION OF TIMING IS REQUIRED. DUE TO MAJOR TIME ZONE DIFFERENCES, RECOGNIZE THIS IS DIFFICULT TO ACHIEVE. WE WOULD PROPOSE AGREEMENT ON A RELEASE AS EARLY SATURDAY MORNING KOREA TIME AS NEGOTIABLE AT YOUR END, WITH SIMULTANEOUS RELEASE FRIDAY EVENING HERE. CHRISTOPHER UNQUOTE CHRISTOPHER

SECRET

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TOSEC, TEXT, AGREEMENTS, LITIGATION, BRIBERY, CORRUPTION,  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 08-Dec-1977 12:00:00 am  
**Decaption Date:** 22 May 2009  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:** 28-Sep-2001 12:00:00 am  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:** 1.5D  
**Disposition Remarks:**  
**Document Number:** 1977STATE293600  
**Document Source:** ADS  
**Document Unique ID:** 00  
**Drafter:** EA/K:RGRICH,JR.:JCM  
**Enclosure:** EXDIS TREAT AS NODIS  
**Executive Order:** 11652 GDS, DECL: ND 25X1  
**Errors:** n/a  
**Expiration:**  
**Film Number:** P840072-2009  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:**  
**Image Path:**  
**ISecure:** 1  
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**Line Count:** 587  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, TEXT ON MICROFILM  
**Message ID:** a6f85dfc-c188-dd11-92da-001cc4696bcc  
**Office:** ORIGIN NODS  
**Original Classification:** SECRET  
**Original Handling Restrictions:** EXDIS NODIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
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**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** EXDIS NODIS  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 01-Mar-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**Secure:** OPEN  
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**Subject:** U.S. - KOREAN COOPERATION ON TONGSUN PARK  
**TAGS:** PGOV, KS, US, (TONGSUN PARK)  
**To:** SEOUL FLASH INFO SECRETARY  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/a6f85dfc-c188-dd11-92da-001cc4696bcc  
**Review Markings:**  
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